

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Jeffrey Nicoll,

Civil No. 11-2065 (DWF/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Tom Roy, Commissioner of Corrections,

Defendant.

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Jeffrey Nicoll, *Pro Se*, Plaintiff.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 4, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. Nos. [4] and [6]), is **DENIED**;
2. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2); and

4. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 24, 2011

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge